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**COUNCIL OF
THE EUROPEAN UNION**

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**GENVAL 14
EUROJUST 50**

Evaluation report on the sixth round of mutual evaluations:

"The practical implementation and operation of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime and of the Council Decision 2008/976/JHA on the European Judicial Network in criminal matters."

Report on Latvia

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1. EXECUTIVE SUMMARY

1. In line with Article 2 of the Joint Action 97/827/JHA of 5 December 1997, the Working Party on General Matters including Evaluations (GENVAL) decided at the Meeting on 22 June 2011 that the sixth round of mutual evaluations will be devoted to the practical implementation and operation of the Decisions on Eurojust and the European Judicial Network in criminal matters.
2. The evaluation visit to Latvia took place from 4 to 7 November 2013. It was well prepared and well organised by the Latvian authorities. The Evaluation Team met with a large number of officials including representatives from the Ministry of Justice, the Prosecutors General's Office, the Ministry of Interior, Police, Customs and the Corruption Prevention and Combating Bureau. At the request of the evaluators, the Latvian authorities also facilitated an interview with an investigating judge. The Latvian National Member of Eurojust attended most of the interviews and provided clarification on certain matters together with supplementary information which was of tremendous value.
3. From the outset it should be noted that due to the relatively small size of the country, with a population estimated of only 2.3 million, the practical functioning of the Latvian judicial system relies largely on personal and informal contacts among the relevant competent authorities. This was particularly evident when the evaluators examined the interaction with Eurojust, as it was clear that the National Member was well known to all practitioners, who enjoy direct contact and work closely with him.

Legal Framework

4. The Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust and the Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime have been implemented by a range of legislative measures in Latvia.

5. The Latvian legislative system is based on a combination of primary legislation and internal acts. Some legal acts such as Orders from the Cabinet of Ministers are binding on all public officials, whereas Orders issued from individual Ministries or authorities only apply to those officials working in those institutions. This mixed approach has been used to introduce Eurojust into the Latvian legal system and the evaluation team considered that, as a result, the legal framework appears to be fragmentary and incomplete. On the whole, due to its specific and, to some extent, unique features, the evaluation team felt this system poses challenges in terms of internal coherence, and that further efforts are required in order to make the best possible use of Eurojust and the EJM.
6. Section 58 of the Law from the Office of the Prosecutor (2005), which sets out the functions of the National Member was found to be ambiguous in so far as it provides that the National Member must function in line with the Regulations governing national prosecutors, whilst at the same time stating that the Eurojust Decision is directly applicable. As a result the legislation is at best unclear and at worst contradictory. This situation should be rectified for the sake of legal certainty.

Mutual Legal Assistance

7. On mutual legal assistance, Latvia has designated three central authorities for the purpose of MLA requests under the 1959 and 2000 MLA Conventions; the Ministry of Justice, the Ministry of Interior and the Prosecutor General's office. The division of roles is on the basis of the stage of the case, with the Ministry of Interior and the Prosecutor General's Office involved at pre-trial stage, and the Ministry of Justice designated during trial stage.
8. During the visit, the evaluation team learned that because of this centralised approach, all MLA requests and letters rogatory are vetted and monitored by central units in the respective Ministries and authorities. Furthermore, the central unit in the Prosecutor General's Office also assesses outgoing EAW requests on the grounds of proportionality. This was considered a model of good practice.

9. This distinction between the roles of the central authorities, seems to be well known and working well in practice in Latvia although there had been some discrepancies in data recording and information exchange in the past. As a result, the Ministry of Justice has introduced a centralised computer system (KSL system) which allows for each authority to log and record activity in relation to MLA requests. The system became operational on 11th October 2013 and is already yielding positive results.

Eurojust

10. The Latvian National Member to Eurojust has the powers of a national prosecutor which do not extend to all the powers provided in the Eurojust Decision (Art 9). In particular, the National Member cannot authorise use of controlled deliveries or execute all types of MLA requests. The National Member has no direct access to any of the data bases available to national prosecutors but can access the information indirectly through authorities in Latvia.
11. The prosecutors and police officers have direct contact with the National Member and with the Deputy National Member at Eurojust. In many cases they know each other and work together very well. National authorities consult in advance and discuss any particular issue with the National Member at Eurojust. It can be said that there is a general recognition of the value of cooperation with Eurojust which is used to a large degree in Latvia.
12. Indeed, the feedback received from the practitioners met by the evaluation team, both in the central authorities and in specialised investigative authorities, is very positive. Eurojust coordination meetings and JITs are considered as being very useful tools. The Latvian Authorities were particularly appreciative of the funding offered by Eurojust to establish JITs.

13. There is, however, no awareness of the reporting obligations towards Eurojust as laid down under Article 13 of the Eurojust Decision, nor of the feedback to be expected from Eurojust (Article 13a), despite the fact that Latvia has an internal act (Order of the Prosecutor no 62) that sets out that all investigations which fall under Article 4 of the Eurojust Regulation should be copied to the National Member.
14. In addition, the evaluation team sensed that there is an over reliance on personal contacts in Latvia without the necessary legal framework in place to formalise this cooperation which leaves the whole system quite vulnerable.

ENCS

15. The practical implementation is ongoing as far as Article 12 of the Eurojust Decision is concerned as the ENCS has only recently been established (11 October 2013), and at the time of the visit had yet to meet.
16. The Latvian ENCS includes representatives of all central authorities, comprising two national correspondents of Eurojust, the national correspondent with Eurojust for terrorism matters, the national correspondent for the EJM and up to three other EJM contact points, contact person for the network of the JITs, contact person from the European liaison Points network, contact person for cooperation between asset recovery units and contact point network against corruption. Authorities other than those referred to in Article 12 of the Eurojust Decision will be invited on a case-by-case ad hoc basis as they are not formally designated through the legislation.

EJN

17. The EJN Decision has been implemented by way of a Regulation of the Cabinet of Ministers [Regulation No. 243] 'By-Law of the Ministry of Justice', which established the Ministry of Justice as the institution designated to represent Latvia at the EJN. The national correspondent for EJN, the EJN tool correspondent and one other EJN contact point are appointed by the Ministry of Justice.
18. The EJN contact points are in fact designated at all three levels - Ministry of Justice/Courts, Prosecutor General's Office and the Ministry of Interior (State Police) in order to allow the EJN to assist at any stage of criminal proceedings. There are in total 8 EJN contact points: 3 from the Ministry of Justice; 3 from the Prosecutor's General Office; 1 from the State Police; 1 directly from the Courts.
19. Overall, despite the fact that the Latvian authorities advised that the EJN is well used, the evaluation team found that practitioners seem unaware of the respective roles of the EJN and Eurojust. The potential offered by Eurojust and the EJN is, therefore, not fully exploited by the Latvian authorities. To that effect, information on Eurojust and EJN tools could be disseminated more widely across the country, so as to raise awareness of all relevant judicial authorities, i.e., not only of those working at central level. Training for judicial authorities and practitioners handbooks could also be developed.

Training

20. There is no general policy regarding specific training for law enforcement officers and prosecutors on the role of Eurojust and cases involving mandatory transmission of information to Eurojust.
21. The Latvian authorities did, however, report that representatives of all competent authorities attended Eurojust organised marketing seminars to learn about the added value of Eurojust. The Latvian authorities consider that the number of cases being sent to Eurojust rose as a direct result of these seminars.

Overall Conclusion

The overall conclusion of the evaluation visit is that Eurojust is well known and well used by the Latvian Authorities. The evaluation team noted several models of good practice, particularly, the establishment of the KSL database and the routine vetting procedures for MLA requests and European Arrest Warrant (EAW) requests. The excellent rapport and cooperation developed between practitioners and the National Member was also commendable. It could, however, be said that an over reliance on informal contacts between the National Member and the investigative and prosecutorial authorities together with an incoherent legal framework for cooperation with Eurojust, can leave Latvia exposed and some decisions open to legal challenge.

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2. INTRODUCTION

Following the adoption of the Joint Action 97/827/JHA of 5 December 1997, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime has been established.

In line with Article 2 of the Joint Action, the Working Party on General Matters including Evaluations (GENVAL) decided on 22 June 2011 that the sixth round of mutual evaluations should be devoted to the practical implementation and operation of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime and of the Council Decision 2008/976/JHA on the European Judicial Network in criminal matters.

The evaluation aims to be broad and interdisciplinary and not focus on Eurojust itself but rather on the operational aspects in the Member States. This is taken into account to encompass, for instance, how police authorities cooperate with Eurojust national members, how the National Units of Europol will cooperate with the Eurojust National Coordination System and how feedback from Eurojust is channelled to the appropriate police and customs authorities. The evaluation emphasises the operational implementation of all the rules on Eurojust and the EJN. Thus, the evaluation will also cover operational practices in the Member States as regards the first Eurojust Decision, which entered into force in 2002. Experiences from all evaluations show that Member States will be in different positions regarding implementation of relevant legal instruments, and the current process of evaluation could provide useful input also to Member States that may not have implemented all aspects of the new Decision.

The questionnaire¹ for the sixth round of mutual evaluations was adopted by GENVAL on 31 October 2011. As agreed in GENVAL on 17 January 2012, Eurojust was also provided with a questionnaire². The questionnaire to Eurojust was adopted by GENVAL on 12 April 2012.

¹ Doc. 12384/3/11 GENVAL 76 COPEN 176 EUROJUST 106 EJN 87.

² Doc. 5241/2/12 GENVAL 3 COPEN 6 EUROJUST 3 EJN 2.

The order of visits to the Member States was adopted by GENVAL on 31 October 2011.³ Latvia was the twentieth Member State to be evaluated during this round of evaluations.

In accordance with Article 3 of the Joint Action, a list of experts in the evaluations to be carried out has been drawn up by the Presidency. Experts with substantial practical knowledge in the field were nominated by Member States pursuant to a written request on 15 July 2011 to delegations made by the Chairman of GENVAL.

The evaluation teams will consist of three national experts, supported by two staff from the General Secretariat to the Council and observers. For the sixth round of mutual evaluations, GENVAL agreed with the proposal from the Presidency that the Commission, Eurojust and Europol should be invited as observers.

The experts charged with undertaking this evaluation were Ms Veronika Keller-Engels (Germany), Mrs Imbi Markus (Estonia) and Mr Miha Movrin (Slovenia). Three observers were also present: Adam Juszcak (DG Justice, Commission), Laima Cekeliene and Laura De Rose (Eurojust) together with Hans Nilsson and Nicola Murphy from the General Secretariat of the Council.

This report was prepared by the expert team with the assistance of the General Secretariat of the Council, based on findings arising from the evaluation visit that took place in Riga between 4th and 7th November 2013 and on Latvia's detailed replies to the evaluation questionnaire together with their detailed answers to ensuing follow-up questions.

³ Doc. 13040/2/11 GENVAL 82 COPEN 184 EUROJUST 111 EJM 91.

3. GENERAL MATTERS AND STRUCTURES

3.1 General information

For the evaluation, the Member States were requested to indicate all relevant legal or statutory provisions, if any, they had to introduce or amend in order to bring national law into conformity with the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime and its amendments according to Decision 2009/426/JHA on the strengthening of Eurojust, or indicating intentions in this respect, and all relevant legal or statutory provisions, if any, which they had to introduce or amend in order to implement Joint Action 98/428/JHA of 29 June 1998 on the creation of a European Judicial Network as well as Council Decision 2008/976/JHA adopted on 16 December 2008 and repealing the Joint Action.

Latvia has introduced Eurojust into its legal framework through a mix of rules of the Cabinet of Ministers which are binding for all officials and through internal acts in the form of Orders from individual Ministries or authorities, such as the Prosecutor General's Office which are only binding on officials working in these specific institutions. The legislation is summarised below:

- Chapter Seven A, Section 58 of the Law of the Office of the Prosecutor of 2005 (as amended), on the representation of the Republic of Latvia in Eurojust, approval and appointment of relevant officials and social guarantees.
- Delegated legislation on the functions, composition and procedure of the ENCS, by way of Rules of the Cabinet of Ministers No. 1044 of 8 October 2013, entered into force on 11 October 2013.
- Order No 62 of 13 May 2013 issued by the Prosecutor General's Office on the Representative of the Republic of Latvia at Eurojust.

- Prosecutor General's Office Injunctions No. 1-2-12-2011 on allowances and compensations to the Eurojust National Member and No. 1-2-33-2011 on the appointments of the Deputy and the Assistant to the Eurojust National Member and of Eurojust National Correspondents.

The evaluation team noted that the Latvian judicial cooperation system combines elements of centralisation and decentralisation. The process of dealing with MLA requests is centralised in so far as both outgoing Latvian requests to foreign countries and requests received from other countries for execution in Latvia, are to be processed through the following central authorities: the State Police (Ministry of Interior) and the Prosecutor General's Office at pre-trial stage and through the Ministry of Justice (Courts) at trial stage.

Requests from and to Latvian specialised investigative authorities (the Customs Criminal Board, the Financial Police Board and the Corruption Prevention and Combating Bureau) are channelled through the Prosecutor General's Office. Those central authorities also perform a legal 'quality check' of the proposed MLA requests. For instance, the Prosecutor General's Office systematically performs a proportionality check of proposed European Arrest Warrants and has rejected numerous proposals on such grounds. Executed measures are also checked at central level before the evidence gathered upon MLA request is released to the requesting countries.

Investigative powers, however, are 'decentralised' to the level of police investigators until submission of the case for prosecution. Based on this specific feature of the Latvian criminal procedural law, State police conduct criminal investigations with full decision making powers. Before that stage, prosecutors play a supervisory role, insofar as they can make recommendations or even give orders to the responsible investigator, but they do not direct the investigations.

In light of their specific role, State Police, akin to the courts and the Prosecutor General's Office, are deemed judicial authorities for the purposes of the European Convention on Mutual Assistance in Criminal Matters⁴. In this capacity, Latvian investigative authorities may also directly address the investigating judge, e.g., to request authorisation for coercive investigative measures.

To sum up, mutual legal assistance can be requested at all levels: by the police during pre-trial investigation until prosecution; by prosecutors during pre-trial investigation until submitting the case to the court; and by courts during the trial. The potential risks entailed by such a system could be lack of internal coherence between the competent levels and resulting risks of duplication, as well as legal and practical difficulties possibly arising in judicial cooperation with other countries due to the specific 'judicial' role entrusted to Latvian police authorities. The evaluation team noted, however, that the system appears to work well in practice and there is sufficient demarcation between each authority's role in the process.

Furthermore, in order to enhance coordination between the three central authorities, a new information system, called "KSL", was set up in October 2013. This new database will allow for all incoming and outgoing MLA requests to be registered in the system, and will be a common database used by all the central authorities. The evaluation team felt that this system could serve as a model of best practice and should provide an excellent opportunity to record and maintain good statistics on the volume, type and response to MLA requests and also serve as a tool to avoid any duplication between the handling of requests by the various central authorities. Its value could be further enhanced if the central authorities from the Prosecutor Generals Office and the State Police could retrospectively input data from 2012 into the system as per the example of the Ministry of Justice. It would also be useful if the National Member had direct access to the database. In addition the evaluation team considered that including a specific field to record cooperation with Eurojust and EJM should also be introduced.

⁴ Declaration of 2 May 1997, pursuant to Article 24 of the European *Convention* on Mutual Assistance in Criminal Matters (Strasbourg, 20 April 1959).

When asked about areas which could be improved in relation to MLA requests received, the officials from the Ministry of Justice advised that translation of requests could be improved. They advised that although Latvia specifies that it will receive requests in only Latvian or English, requests are still submitted in other languages. It suggested that it would almost be better if requests were sent in English if possible with translation into Latvian as some of the translations into Latvian are incoherent which hampers the expeditious execution of such requests.

3.2 Implementation of the Eurojust national coordination system (ENCS)

With respect to the implementation of the Eurojust national coordination system (ENCS), Latvia has only recently formally established the ENCS with the entry into force, on 11 October 2013, of Rules of the Cabinet of Ministers (no 1044). The setup of the ENCS has taken some time as it was necessary to adopt a suitable legal act which would have a binding effect effects on all authorities that will be represented in the ENCS in accordance with Article 12 of the Eurojust Decision.

The Rules of the Cabinet of Ministers No. 1044 of 8 October 2013, provides that the main task of the ENCS is to ensure the carrying out of the tasks specified in the regulatory enactments regulating the activity of Eurojust in Latvia.

The Latvian ENCS includes representatives of all central authorities, comprising two national correspondents of Eurojust, the national correspondent with Eurojust for terrorism matters, the national correspondent for the EJM and up to three other EJM contact points, contact person for the network of the JITs, contact person from the Genocide network, contact person for cooperation between asset recovery offices (ARO) and Contact point network against corruption. Authorities other than those referred to in Article 12 of the Eurojust Decision, such as OLAF, will be invited on a case-by-case *ad hoc* basis as they are not formally designated through the legislation.

By the time of the evaluation visit most of the ENCS members had been appointed with only the national correspondent for Eurojust awaiting formal appointment by the Prosecutor General's Office. The evaluation team was advised that a first meeting of the ENCS will be convened in the near future.

Due to the variety of national bodies and persons involved in judicial cooperation and in Eurojust matters, the participation of all relevant competent national authorities in the ENCS should be considered as best practice.

3.3 National desk at Eurojust

Four officials are appointed to the Latvian national desk at Eurojust. The desk comprises a National Member, who has his regular place of work at the seat of Eurojust in The Hague, a Deputy National Member and an Assistant, both residing in Latvia and a secretary, who is based in The Hague and employed by Eurojust directly.

The National Member is appointed by the Prosecutor General for a period of 5 years, which exceeds the requirements of the Eurojust Decisions. According to national law, the National Member must be a prosecutor. The National Member, his Deputy and Assistant are appointed on the basis of;

- professional experience in the area of international cooperation.
- in-service time (minimum three years of service as prosecutor for all above positions).
- demonstrable leadership and communication skills.

The evaluation team gathered from the feedback provided by many practitioners that the current Eurojust National Member, Mr Gunārs Bundzis, enjoys a very good standing and is considered highly competent, easily approachable and effective. He has developed regular and frequent contacts with colleagues at all levels throughout the country. In addition, he provides detailed reports on the activities of the Latvian Desk to the Prosecutor General at least twice a year and travels to Latvia frequently to liaise with relevant practitioners. He has also established direct and regular working relationship with the Latvian Liaison Officer at Europol.

The powers of the National Member are not clearly spelled out in the current national legislation. The Eurojust National Member can only exercise the powers which are available to him as a prosecutor at the Prosecutor General's Office according to the Latvian judicial system. As a result, the National Member may not authorise controlled deliveries or take any decisions on issuing requests other than European Arrest Warrant requests, since those powers – as laid down under Articles 9c and 9d of the Eurojust Decision - exceed his national competences and are entrusted to other judicial authorities.

The National Member does not have direct access to criminal records, investigation registers and any other relevant national databases but can contact the competent national authorities and obtain any information available on those databases. It was stressed that this arrangement worked effectively in practice and direct access was not necessary as a result.

Overall, the successful interaction of Eurojust and the Latvian authorities can be largely attributed to the successful personal contacts of the current National Member with national authorities, rather than by the existence of any statutory framework.

3.4 EJM contact points

The EJM Decision has been implemented by way of a Regulation of the Cabinet of Ministers [Regulation No. 243] "By-Law of the Ministry of Justice" which established the Ministry of Justice as the institution designated to represent Latvia at the EJM.

The EJM contact points are in fact designated at all three levels - Ministry of Justice/Courts, Prosecutor General's Office and State Police in order to allow the EJM to assist at any stage of criminal proceedings. There are in total 8 EJM contact points: 3 from the Ministry of Justice; 3 from the Prosecutor's General Office; 1 from the State Police; 1 directly from the court system. The EJM contact points are appointed on the basis of their experience of international judicial cooperation in criminal matters and their foreign language skills.

The national correspondent for EJN, the EJN tool correspondent and one other EJN contact point are appointed by the Ministry of Justice. Officials from the Ministry of Justice advised the evaluation team that the legal advisers of the Division of Court Cooperation use the EJN frequently in the preparation of MLA requests during trial phase.

It was pointed out that, due to smooth informal and direct contacts, there was no need to call meetings of Latvian EJN Contact Points.

3.5 Conclusions

Legislation

1. Latvia has introduced a series of legislative measures to give effect to the Eurojust Council Decision which was well documented. The evaluators were, however, drawn to certain inconsistencies and discrepancies in the legislation and on the whole, felt that the legislative framework was insufficient in order to give full effect to the Eurojust Council Decision.
2. This is particularly evident when considering the legislation governing the powers of the National Member which states that the National Member shall act in accordance with regulatory enactments regarding the prosecutors activity and also operate in accordance with the Eurojust Council Decision. As the powers of the National Prosecutor in Latvia do not correspond to the powers granted to the National Members of Eurojust, particularly in terms of authorisation of controlled deliveries and execution of certain MLA requests, this legislation seems to be inadequate.
3. In terms of the issue and execution of MLA requests, the evaluation team was impressed with the level of quality control and internal checks undertaken by the three central authorities designated under the MLA Conventions. Indeed, the evaluators were informed that not only are letters rogatory vetted and amended before issue by central units in each of the authorities, but the Prosecutor General's Office also undertakes a proportionality test on outgoing European Arrest Warrant requests. It was further clarified that this proportionality test is defined by law in Latvia. The evaluators felt that this was a model of good practice which should be noted by other Member States.

4. The evaluators consider the recently introduced KSL database of particular value in monitoring and recording MLA requests; consequently diminishing the risk of duplication of work or lack of cohesion amongst the central authorities. The Latvian authorities are encouraged to make full use of this database and provide access to the National Member of Eurojust. The Prosecutor General's Office and Ministry of Interior (State Police) are encouraged to include data from 2012 on the system to provide more comprehensive statistics. In addition, the evaluation team felt that it would be useful if there was a specific data field to record cooperation with Eurojust and EJN.

National Desk

5. Communication between practitioners and the National Member takes place at all levels from the police investigators, prosecutors and the Prosecutor General's Office and Ministries. This communication seems to be informal and frequent and it was clear that the National Member is always accessible and accommodating. In addition, the evaluation team noted that under Latvian law (Order of the Prosecutor no 62 of 2007) the National Member is required to provide a detailed report and analysis to the Prosecutor General twice a year. This was seen to be an example of good practice which should be considered by other Member States.
6. The National Member has the powers allocated to his national status in the General Prosecutor's Office in Latvia. The National Member should also have all the powers granted in Art. 9 unless circumstances under 9e are relevant. The powers granted to the National Member should furthermore be clearly defined and independent from his/her position in the Latvian judicial hierarchy.

ENCS

7. The evaluation team noted that the ENCS has recently been established and looks forward to it becoming operational in the near future. It is hoped, that the ENCS will benefit Latvia in terms of coordinating the work of each of the central authorities and enhancing the good communication channels which have operated on a largely ad hoc basis to date. It should also improve understanding and awareness of the respective roles of Eurojust and the EJM and facilitate the transmission of information to Eurojust in compliance with Article 13 of the Eurojust Decision.

EJM

8. The legislation to establish the EJM in Latvia has designated the Ministry of Justice to represent Latvia at EJM with the national correspondent, tool correspondent and one other Member being appointed from within the MOJ. In addition, 5 other contact points, which include representation from the other central authorities, have also been designated. Latvia's decision to ensure representation from all Ministries and authorities involved in cross-border judicial cooperation is commendable and could be considered a model of good practice.
9. The national EJM contact points do not meet collectively as it is felt that informal communication works well. The evaluation team considers that the recently established ENCS system may assist the EJM in the future as it will provide a forum for deciding on the appropriate body and channeling requests for assistance to Eurojust or to EJM.

4. EXCHANGE OF INFORMATION

4.1 Exchange of information within Latvia

Due to its size and relatively small public administration, authorities involved in mutual legal assistance are well known to each other and cooperate well. It is envisaged that, the soon to be operational ENCS structure will further enhance this cooperation as it will allow all relevant stakeholders to meet together on a more formal basis.

4.2 Exchange of information from judicial and law enforcement authorities to Eurojust

Asked to describe the databases that may be relevant at national level for the exchange of information with Eurojust and on the occasion of coordination meetings, Latvia suggested that the Penalties Register; Population Register; Court's Information System; Integrated Information System of Interior Affairs; Land Books (real estates) Register; Enterprise Register; database of the Road Traffic Safety Direction are all relevant. The National Member does not have direct access to any of these databases, but can contact the relevant authorities in Latvia to obtain any relevant information required.

Information between national authorities and the National Member of Eurojust is channelled by means of e-mail, fax and by post. The generation of information is largely informal in practice and officials can send information to the National Member both on their own initiative or upon the request of the National Member.

In addition, a secure connection between Latvia and Eurojust has recently been set up (a Memorandum of Understanding was signed on 15 May 2013): this could offer an additional tool to facilitate the transmission of information between Latvia and Eurojust.

Reporting Obligations under Article 13

As mentioned before, Article 13 is not adequately implemented into national law.

Order no 62 of 2007 provides that if, when drafting requests for judicial cooperation in criminal matters, a Prosecutor becomes aware that it falls under Article 4 of the Eurojust Decision, they shall request the assistance of the National Member when drafting the request and send a copy of the request to the National Member for entry into the Case Management System at Eurojust.

In addition, the National Member by letter of 6 June 2011, informed the Prosecutor General's Office of the obligations laid down under Article 13(5) to (7) of the Eurojust Decision and has also transmitted the template set up by Eurojust to facilitate the structured transmission of said information. The State Police has also provided guidelines for the police investigators about this issue.

However, the evaluation team noted that none of interviewed practitioners were aware of the reporting obligations towards Eurojust as laid down under Article 13(5) to (7). Apart from information provided in relation to cases registered or to be registered by Eurojust, no other information is transmitted to Eurojust. The Article 13 template prepared by Eurojust is not in use. Latvian authorities are not aware either of the feedback to be expected from Eurojust (Article 13a), or of related prospective benefits. Furthermore, the evaluation team were advised that as Order no 62 of 2007 is an internal act, it only applies to Prosecutors and does not cover officials in the other central authorities who may become aware of cases falling under Art 4.

At the time of the visit, the evaluation team was advised that Order 62 of 2007 is currently being revised with some draft amendments in preparation. The evaluation team considers that this may present an opportunity to review the operation of this reporting obligation.

Terrorism related offences

On Article 2, Terrorism-related offences are an exclusive competence of the Latvian Anti-Terrorism centre. The Latvian Authorities advised that a Eurojust national correspondent for terrorism matters has been appointed, however, no information was transmitted to Eurojust to date because there have been no terrorism-related offences to report on.

4.3 Feedback by Eurojust

Latvia advised that it had no experience to date.

4.3.1 E-POC project

Latvia is not participating in the E-POC IV Project.

4.4 Conclusions

1. The information exchange between the Latvian authorities and Eurojust seem to take place in a very informal way. To make better and consistent use of the information transmitted, it is suggested that data is inserted in the Case Management System of Eurojust.
2. The evaluation team noted that there was a lack of awareness by practitioners of the reporting obligations set out under Art 13 of the Eurojust decision although this is set out under internal act of the Office of the Prosecutor and the State Police has provided guidelines on this issue. The competent national authorities with the assistance of Eurojust are invited to explain to practitioners the reasons for their new reporting obligations towards Eurojust. All practitioners should be made aware of the prospective benefits and the added value of transmitting information to Eurojust, provided that all Member States authorities comply with this obligation.

3. As Order 62 of 2007 is currently being reviewed, it may be timely to consider expanding the Order to cover all authorities dealing with investigations, either through a joint Order between the Prosecutor General's Office and the Ministry of the Interior or, if this is not feasible, the creation of mirrored internal acts for each respective authority.
4. Additionally, the evaluation team saw some merit in improving information dissemination on this matter through the development of guidelines and circulation of the Eurojust template to ensure that these reporting obligations are fulfilled by all practitioners.

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5. OPERATIONAL ASPECTS

The main objectives of Eurojust under Article 3 of the Eurojust Decision are to stimulate and improve the coordination of investigations and prosecutions in the Member States, to improve cooperation between the competent authorities of the Member States as well as to otherwise support the competent authorities of the Member States in order to render investigations and prosecutions more effective.

5.1 Practical experience in relation to Eurojust

The Latvian desk at Eurojust keeps statistics on cases where Latvia requests assistance from other Member States as well as when other Member States requests assistance from Latvia.

Figures from the National Desk:

1. Requests to National Desk from Latvian Authorities

- 2011 - 34 requests
- 2012 - 34 requests
- First half of 2013 -21 requests

2. Requests from other Member States to Latvia

- 2011 - 53 requests
- 2012 - 48 requests
- First half of 2013 - 19 requests

5.2 Allocation of cases to Eurojust or the EJM or others

The approach is pragmatic: relations between national authorities and the Latvian Desk are direct and informal. In practice, Eurojust's assistance is requested not only via the competent central authorities (State Police, Prosecutor General's Office, Ministry of Justice) but also by the investigators, prosecutors or judges directly involved in a case. For this part, the National Member may also directly contact any national competent authority. Central authorities are kept informed about requests addressed to Eurojust by individual practitioners. Furthermore, the National Member provides detailed reports on the activities of the Latvian Desk to the Prosecutor General at least twice a year.

The assistance provided by Eurojust is considered most satisfactory, in particular, with regard to coordination meetings and JITs. Several concrete examples were provided to illustrate the added value brought by Eurojust in specific cases.

The evaluation team noted, however, that practitioners have little knowledge of additional tools developed by Eurojust, such as the coordination centres, although they are available since 2011. Also, there is no clear understanding of the respective roles of Eurojust and the EJM, and several practitioners have stated that they do not have any direct experience of the assistance provided by EJM contact points.

It appears that no training or guidelines on cooperation with Eurojust or the EJM have been provided to the concerned authorities across the country, save for the publication of links to the Eurojust and the EJM websites on the internal websites of national central authorities. The evaluation team was advised that guidelines on how to prepare MLA requests have been produced by the State Police and made available to police authorities.

Although this lack of information and training does not seem to raise any major concern at central authorities' level, it would be useful to produce and disseminate such information to see whether requests for Eurojust's assistance will increase as a result. In this context, the project currently being considered by the Ministry of Justice to create an information brochure for judges on the Intranet of the Court should be pursued.

In general, the number of coordination meetings requested by Latvia is considered proportionate to size of the country. With regard to casework statistics, the relatively high number of bilateral cases compared to multilateral ones was not considered by the Latvian authorities as representing a problem, as it described most of those bilateral cases as complex and thus requiring Eurojust's support. In addition, complex multilateral cases of corruption have been opened at the initiative of the Latvian Corruption Prevention and Combating Bureau with positive results.

5.3 Experience of cases in relation to the competences attributed to Eurojust

Upon receipt of the request, the National Member for Latvia registers it on the CMS, notifies the Eurojust College about the new case and consults the National Member, his Deputy or Assistant of the relevant Member State regarding the execution of the request. The National Member then ensures the exchange of relevant data between the competent authorities of the respective Member States on the cases which were referred to him. If necessary, at the request of the respective prosecutor or the pre-trial investigation officer, the National Member arranges a coordination meeting for the representatives of the respective Member States.

If the request for legal assistance to Latvia from another Member State, was registered at Eurojust and was referred to the National Member, is executed in part or improperly, the National Member as the competent national authority may address the Prosecutor General's Office, the Ministry of Justice, the Regional Prosecutor's Offices and other competent national authorities and require additional measures for the execution of the request in full. In addition, upon receipt of the request from the central or competent authority of Latvia, the National Member refers them to the central or competent authorities of the respective Member States through their National Members for action.

5.3.1 Cases related to the tasks of Eurojust acting through its national members (Article 6)

All of the national authorities in Latvia advised that they make formal contact with the National Member through three streams the Prosecutor Generals Office, the Ministry of Justice or the International Cooperation Bureau in the Department of the State Police.

The MLA requests are translated, if necessary, and vetted by the central units in each authority. Once vetted, they are returned to the issuer with tracked changes for approval. Once approved, the central units arrange onward transmission.

In terms of the contact with Eurojust, there are situations when persons conducting the criminal proceedings foresee that difficulties may occur during the execution of the request, and they may request the involvement of Eurojust from the outset. In other cases where if it has not been initially requested and there is a delay in the execution of the request for legal assistance, the person directing the criminal proceedings who has initiated such request may contact the National Member who notifies the executor of the request, and Eurojust starts to act in order to facilitate the execution of the request for legal assistance.

5.3.2 Cases related to the tasks of Eurojust acting as a college (Article 7)

Article 7 of the Eurojust Decision has not been applied to date in Latvia, as it has not solved an issue concerning conflicts of jurisdiction with the College or Eurojust nor has it asked or received an opinion of the College on the matters referred to therein.

5.3.3 Cases related to the powers exercised by the national member

The powers of the National Member of Eurojust for Latvia is governed by Article 58 of the Law of the Prosecution service and Order no 62 of the Prosecutor General. As mentioned before, the evaluation team found the legal framework to be somewhat ambiguous as it states that the Eurojust Decision is directly applicable on the one hand, but that the National Member can only act in accordance with the Rules and Regulations governing national prosecutors on the other. Therefore, it was not clear to the evaluation team as to what the exact powers of the National Member are.

From the responses to the Questionnaire and the information received on the visit, there seems to be a general understanding that the National Member does not have the full powers provided by the Eurojust Decision. More specifically, the National Member does not have the power to issue and complete MLA requests (except issuing EAW requests), cannot authorise controlled deliveries nor can he execute urgent requests for decisions on judicial assistance, save those requests which fall under the competence of the Prosecutor General's Office.

Order 62 of 2007 provides some specific rights to the National Member in the performance of his functions such as the right to request and receive information from competent bodies which is required by Eurojust and to set deadlines for submission of the required documents.

As mentioned throughout the report, the National Member deals with constant requests for information and decisions on judicial cooperation and is actively involved in coordination meetings and JITs.

5.4 Practical experience related to coordination meetings

According to Latvia, coordination meetings are of practical use, well organised and an effective tool to deal with complex cross border cases. Some of the advantages cited were that the meetings provide an opportunity to discuss cases openly and directly with the relevant foreign officials without any language barriers as translation is provided.

This direct contact yields better results than could be achieved through written procedures alone and provides an opportunity for practitioners to discuss and evaluate practical matters and legal aspects of the investigation in detail. In addition it allows all involved to create joint action plans and to clarify the specific role of each party. In most cases, after such coordination meetings, direct contacts are established between the parties involved, which can also facilitate also further communication without the mediation of Eurojust.

The funding provided and the coordinating role of Eurojust in organising such meetings is highly valued by the Latvian authorities.

The only criticism voiced by the Latvian authorities is that on occasion, the relevant officials from another Member State fail to attend the meeting. It has also happened that the other Member State failed to send the appropriate officials i.e. those directly involved in the case.

5.5 Use of the On-call coordination (OCC)

Information on the OCC was provided to Latvian practitioners (Letter by the Prosecutor General's Office, dated 10 June 2011). In practice, however, the OCC has not been used to date. It was highlighted that there has been no need so far as the National Member can be reached directly at all times, even outside of office hours.

5.6 Experience of cases relating to the cooperation between the ENCS and the Europol national unit and other law enforcement authorities

The Europol National Unit of Latvia has had a positive experience of cooperation with Eurojust. This form of cooperation is regarded as useful, as both operational and procedural information can be exchanged without delay and it allows investigative actions to be conducted in a relatively short period of time, securing coordination between investigations being carried out in several countries. The evaluation team considers that this cooperation will be even further enhanced when the ENCS is operational.

The cooperation with Sirene office takes place through national correspondents and contact persons directly.

5.7 Conclusions

1. From the replies to the Questionnaire and the on-site visit it was clear to the evaluation team that the practitioners rely to a great extent on the personal contact with the National Member, who is very active and has built up a broad and efficient personal network in Latvia. Although this cooperation is in practice working very well, the evaluation team consider that it is necessary to establish a statutory system which goes beyond personal contact. It could be said that overreliance on one individual could leave the system quite vulnerable and the evaluation team noted that information relevant to Eurojust obtained through informal contact is not necessarily recorded in the CMS at Eurojust so its broader value is diminished. For these reasons, the use of OCC should be promoted in urgent cases.
2. On the allocation of cases to Eurojust, the evaluators noted the high volume of bilateral cases which were referred to the National Member. This was justified on the grounds that these cases are particularly complex. Despite this position, consideration should be given to whether some of these types bilateral cases are more appropriate to the EJM. The evaluation team are hopeful that the ENCS will allow for this cooperation and strategic allocation of cases in the future.
3. On this point, despite having legislation to introduce the European Judicial Network and a significant number of Contact Points assigned, there seems to be little awareness amongst practitioners as to the possible uses of the EJM. Additionally, it appeared that practitioners were not aware of the distinction between the role of Eurojust and the EJM as no training or guidelines are available. Indeed, the practitioners seemed to have little contact with the EJM contact points, preferring to deal exclusively with the National Member of Eurojust in all matters of cross-border judicial cooperation.

6. COOPERATION

6.1 Participation of national members in joint investigation teams (Article 9f)

The Latvian authorities are well aware of JITs and, as stated before, consider JITs as very useful tools. The effectiveness of JITs at the initial stage of investigations was particularly praised by the interviewed State Police and Customs officials in so far as JITs help develop a clear common strategy and promote regular and direct communication, as well as mutual understanding among the parties. The Council Framework Decision 2002/465/JHA on JITs has been transposed into national law by way of Chapter 84 of the Criminal Procedure Law.

The provision of Eurojust funding of JITs was also praised. The application procedure was considered as being very user-friendly and efficient. It was mentioned that, without the financial support offered by Eurojust, the setting up of JITs would not be possible.

The National Member usually takes active part in JITs. The added value of Eurojust participation in JITs is widely acknowledged by the Latvian authorities: the National Member provides his assistance in the setup as well as in the operation of JITs. As a result of his acquired expertise in JITs, he is said to assist practitioners in overcoming legal and practical obstacles at the initial stage. The need for his active participation in the operational part of the JIT is slightly less evident when the JIT is functioning well. The active involvement of the Eurojust National Member in JITs at the initial stages could, however, be considered best practice.

So far, Latvia has been involved in seven JITs, two of which have been initiated by Latvian authorities. One of them concerns a huge drug trafficking case and was still active at the time of the evaluation visit. The second JIT involved the Latvian Corruption Prevention and Combating Bureau and was concluded in August 2013: by the time of the evaluation visit, the case was in the trial phase. Five out of those seven JITs have received Eurojust funding. A new JIT is currently under preparation, at the initiative of the Financial Police Board of the State Revenue Service: this JIT will deal with VAT fraud and money laundering.

Overall, the use of JITs as worthwhile although some practitioners identified some shortcomings in their experience, such as lack of training in this area particularly in terms of how to discuss and present evidence. There were also questions around the most appropriate way to evaluate the JIT when it is concluded. The on-going work of Eurojust on this matter was welcomed.

6.2 Cooperation with other EU agencies

As regards cooperation with other EU agencies, the Member States were asked to describe their policy, if any, with respect to the involvement of Eurojust in cases involving OLAF or other EU agencies such as Europol, Frontex.

The Latvian National Desk has invited OLAF to participate in coordination meetings it organised regarding corruption affecting the financial interests of the EU. OLAF actively cooperated in these cases and provided necessary assistance.

In addition, Europol representatives and liaison officers are often invited to take part in coordination meetings at Eurojust and Europol is used as a channel for exchange of information. As a result, the National Member has also established a direct and regular working relationship with the Latvian Liaison Officer at Europol. On the whole, Latvia advised that it has developed worthwhile operational cooperation with Europol and supported the participation of Europol in the JITs as a strategic partner.

6.3 Cooperation with third states

Latvia is part of all main international conventions and EU instruments in the area of international judicial cooperation in criminal matters. In addition it has concluded a number of bilateral and trilateral cooperation agreements with other states.

According to the replies provided to the Questionnaire, the Latvian authorities are informed about the cooperation agreements concluded between Eurojust, third countries and its network of contact points. The involvement of Eurojust in cooperation with third States is highly appreciated. In several cases, Eurojust assistance was pivotal in facilitating the execution of a MLA request in third States.

The importance of the possibility to involve third states' representatives in Eurojust coordination meetings was specifically mentioned.

6.4 Practical experience of the EJM

As mentioned previously, the EJM Decision has been implemented by way of a Regulation of the Cabinet of Ministers [Regulation No. 243] By-Law of the Ministry of Justice which established the Ministry of Justice as the institution designated to represent Latvia at the EJM.

The evaluation team was advised that the contact points are in constant communication with the judiciary, prosecutors and investigators in the exercise of their functions to fulfil legal assistance requests from foreign countries and in the preparation of outgoing requests. If the foreign MLA requests information of a general nature it is provided by the contact point. In addition, the contact points use the EJM website in the performance of their tasks in so far as it provides appropriate information for the drafting of MLA requests and the circulation of same. If the information required is not accessible through the EJM website, the contact points will make direct contact with their counterparts in the other Member State.

Although there are no meetings of contact points, the Latvian authorities advised that they promote and maintain good communication between the national contact points in the course of their duties. Interaction between the National Member and the EJM contact points is less frequent and is usually reserved for particular cases when the case is deemed more complex and requiring more information than available through EJM.

Despite having this legislation and significant number of contact points appointed in Latvia, there seems to be little awareness amongst practitioners as to the possible uses of the EJM. Additionally, it appeared that practitioners were not aware of the distinction between the role of Eurojust and the EJM as no training or guidelines are available. Indeed, the practitioners interviewed seemed to have little contact with the EJM contact points, preferring to deal exclusively with the National Member of Eurojust in all matters of cross-border judicial cooperation.

6.4.1 The EJM Website - Reporting on the EJM Website and its tools (such as the Atlas, EAW Wizard, Library...)

According to the response provided to the Questionnaire, the EJM website and its instruments are positively appreciated and frequently used in practical work such as the preparation of MLA requests. Nevertheless, the evaluation team noted during the course of the evaluation visit that there was no indication by practitioners that those instruments are regularly or widely used. There are no statistics available on the use of the EJM in specific cases.

6.5 Conclusions

1. Latvia has made good use of JITs to date, which are considered a useful tool in cross border criminal cases as they provide an opportunity for investigators to discuss the detail of the case and prepare action plans with their foreign counterparts. The funding provided by Eurojust to establish JITs was greatly appreciated.
2. The participation by the National Member in JITs was also valued, particularly in his role in establishing the JIT such as arranging the meeting, providing comparative analysis of other MS system and offering translation. This involvement could be considered as a model of best practice. His role in the operational part of the JIT was less evident and possibly not required if the JIT is operating well.

3. Latvia enjoys good cooperation with other EU partners such as Europol and OLAF and has engaged positively with both agencies in cross border cases, particularly those involving third states.
4. The EJM also seems to be of some value to the practitioners although the evaluation team noted that there was very little awareness of the EJM or the distinction between its role and that of Eurojust. To this end, further awareness raising exercises targeting other practitioners, and the development of handbooks and guidelines on the use of EJM, is required to ensure it is used to its full potential.
5. In addition, information on the EJM and Eurojust needs to be disseminated to all institutions dealing with judicial cooperation in criminal matters. Presently, the information about Eurojust and EJM and links to their websites is only available on the intranet and website of the Ministry of Justice and the Prosecutor General's Office. The Latvian authorities should ensure that this information is also provided through the intranets of the Courts and the Ministry of Interior.
6. Overall, from the information received, it seems that Latvia values and rates the cooperation with other parties and the support it receives from other agencies in dealing with cross border criminal cases.

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7. SPECIAL INVESTIGATIVE TECHNIQUES

7.1 Controlled deliveries (Article 9d (a))

Latvia advised that there are designated prosecutors working in the Prosecutor General's Office who deal with controlled deliveries. In normal cases, the use of these controlled deliveries is approved by the Investigating Judge. In case of urgency, however, the use of the controlled deliveries can be authorised by these designated prosecutors with subsequent approval of the Investigative Judge being sought. The State Police fulfils these controlled deliveries.

The Investigating Judge may be approached by investigators from any law enforcement authority when it is intended to use special investigative measures. In cases investigated by the Corruption Prevention and Combating Bureau controlled deliveries have not been used so far, however, this is provided by the legal framework.

The National Member does not have the power to authorise controlled deliveries, and according to the Latvian Authorities the National Member has only facilitated controlled deliveries in few cases to date.

7.2 Other special investigative techniques (SITs)

The Latvian authorities advised that it has cooperated with other Member States through Eurojust relating to other special investigative techniques. With the assistance of Eurojust, requests related to the used of telephone interception, court surveillance, controlled delivery and use of undercover officers were executed.

7.3 Conclusions

1. All special investigative techniques in Latvia are decided upon by an investigating judge. However, in urgent cases where the approval of the investigating judge cannot be obtained because of time restrictions, controlled deliveries can be authorised by designated prosecutors operating in the Prosecutor General's Office. The approval of an investigating judge is subsequently sought.
2. As the National Member operates with the same powers as a national prosecutor, he cannot authorise controlled deliveries or the use of SITs directly. He can, however, co-ordinate the use of SITs and controlled deliveries and has facilitated this in a small number of cases.

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8. TRAINING AND AWARENESS RAISING

8.1 Promotion of the use of Eurojust and the EJN

The Latvian authorities were unable to provide much information on training of judges, public officer, prosecutors and investigating authorities. From discussions with practitioners, the evaluation team learned that most training provided seemed to be general, such as training provided at the Police College and on-the-job training for those working in central units dealing with MLA requests. There does not appear to be any specific training provided to EJM members, Investigators, Prosecutors or Judges on preparation of MLA requests, and engagement with EJM and Eurojust.

The Latvian authorities, did advise that during the last 6 years Eurojust organised two marketing seminars which representatives of all competent authorities attended to learn about the added value of Eurojust. The Latvian authorities consider that the number of cases being sent to Eurojust rose as a direct result of these seminars. Therefore, the authorities could support and welcome the Eurojust Marketing seminars as a useful tools to disseminate information and knowledge.

In general, the evaluation team considers that training activities should be enhanced and further developed not only in the general area of international judicial cooperation in criminal matters but also with reference to Eurojust and the EJM.

The evaluation team was also advised that national authorities could seek information on the projects undertaken and the documents produced by EJM and Eurojust through their respective websites. There is a specific link to both on intranets of the Ministry of Justice and the Prosecutor General's office but the evaluation team was advised that there was no similar link on the websites of the Ministry of the Interior.

8.2 Specific training for National Member of Eurojust and EJM contact points

There is no specific training for the National Member of Eurojust and the EJM contact points as they are appointed on the basis of their knowledge and experience in this area. Due to their high level of expertise, specific training is not considered necessary.

8.3 Conclusions

1. There are no specific guidelines or handbooks available to explain in which cases Eurojust or EJM should be used. The State Police has provided guidelines for the police investigators on mutual legal assistance. The evaluation team learned that the decision on whether to involve Eurojust or EJM is left to the discretion of the practitioner in each case. For this reason, comprehensive guidelines and/or handbooks on the use of Eurojust/EJM and the different kinds of support, both institutions can provide for practitioners, should be developed. The handbook and/or guidelines should be coordinated between the different institutions dealing with mutual legal assistance to guarantee a harmonised application.
2. Information on the services provided by Eurojust (for example the possibility of the 'On call coordination system' or 'Co-ordination center') should be published and disseminated to all police and prosecutors. The practitioners should be better informed about the different tools of Eurojust for facilitating legal cooperation and coordination.
3. Regular training should be offered to police as well as prosecutors. The support offered by Eurojust and EJM can only be used if those working on the case know about the service which Eurojust and EJM can provide. The training in Latvia could be complemented by more marketing seminars and study visits to Eurojust in The Hague.

9. GENERAL OBSERVATIONS AND FINAL REMARKS

Eurojust was set up by the Council Decision 2002/187/JHA of the European Union in February 2002 to stimulate and improve coordination of criminal investigations and prosecutions in the Member States and to enhance cooperation between the competent national authorities by facilitating mutual legal assistance with a view to reinforcing the fight against serious crime.

Subsequently, the Eurojust Decision was amended by the Council Decision 2009/426/JHA on the strengthening of Eurojust aiming to further enhance its operational effectiveness and to create a common minimum basis of powers of the national members. This Decision is currently being implemented in the national legislation of the Member States.

The European Judicial Network in criminal matters was created in 1998 to improve judicial cooperation by facilitating the implementation of the principle of direct contact between judicial authorities. Its legal status has been reinforced in December 2008 by the adoption of a new legal basis.

Their creation answers to the need to address fundamental challenges in the fight against serious crime and Terrorism across the European Union, as well as to build on the judicial dimension of the European area for freedom, security and Justice after the creation of Europol.

9.1 Analysis of the added value of Eurojust in investigation and prosecution cases

Overall, mutual legal assistance in general is treated as a high priority in Latvia. In the current context, national authorities follow a largely pragmatic and informal approach in the implementation of both the Eurojust and the EJM Decisions.

Latvia makes good use of Eurojust in investigations and prosecution and finds that Eurojust brings great added value to judicial cooperation in criminal matters in so far as it accelerates execution of legal requests and provides support in cross border cases allowing for evidence to be collected in a much shorter time. In addition, the prosecutors and police officers have direct contact with the National Member and with the Deputy National Member at Eurojust. In many cases they know each other and work together very well. National authorities consult in advance and discuss particular issues with the National Member at Eurojust. It can be said that there is a general appreciation of the value of cooperation with Eurojust which is used to a large degree in Latvia.

Indeed, the feedback received from the practitioners met by the evaluation team, both in the central authorities and in specialised investigative agencies, is very positive. Eurojust coordination meetings and JITs are considered as being very useful tools. The Latvian authorities were particularly appreciative of the funding offered by Eurojust to establish JITs.

The Latvian authorities also found the marketing seminars offered by Eurojust of immense value and welcome further training in the future.

9.2 Ways to improve the cooperation between the Member States and Eurojust

Due to the positive appreciation of the role of Eurojust and the EJM the Latvian authorities had very few suggestions (practical measures or legislative steps) to improve the functioning of Eurojust and the EJM. It suggested that Eurojust continue to offer dedicated marketing and information activities for practitioners on cooperation with Eurojust and the EJM on a regular basis and making funding available for JITs and coordination meetings.

9.3 Conclusions

Throughout the evaluation visit, the evaluation team was impressed by the high regard in which the National Member and Eurojust were held by the Latvian Officials. It was clear that the experience of practitioners has been positive and the information received through MLA requests was valuable in the investigation and prosecution of cross border crime.

10. RECOMMENDATIONS

As regards the practical implementation and operation of the Decisions on Eurojust and the European Judicial Network in criminal matters, the expert team involved in the evaluation of Latvia has been able to satisfactorily review the system in Latvia expertly supported by the helpfulness of their national hosts. Overall, the working principles and legal framework of the system is functional and the various actors know their roles and responsibilities.

Nevertheless, certain recommendations can still be made, to contribute to the further development of the system in Latvia. Furthermore, based on the various good and, without doubt, even best practices of Latvia, related recommendations to the EU, its institutions and agencies are also put forward.

Latvia should conduct a follow-up on the recommendations given in this report 18 months after the evaluation and report on the progress to the Working Party on General Affairs, including Evaluations (GENVAL).

10.1 Recommendations to Latvia

In order to give full effect to the Eurojust Council Decision and ensure that cooperation with Eurojust and EJM is operating to its full potential, Latvia is recommended to:

1. Establish a comprehensive legislative framework to implement the Eurojust Decision in its entirety. Provisions of the Eurojust decision should be transposed clearly and implemented effectively to ensure that there are no gaps and discrepancies in the legal framework. The legislation should cover all institutions involved in mutual legal assistance in an effective, consistent and harmonised manner.

2. Ensure proper implementation of the legislation which gives affect to Article 13 of Eurojust Decision. Latvia should also raise awareness among stakeholders and competent authorities regarding the reporting requirements under Article 13 and promote the use of the template provided by Eurojust.
3. Clarify and extend the existing legal provisions on the powers of the National Member to Eurojust in order to align them with the Eurojust Decision, prevent legal and practical difficulties, and ultimately enhance Eurojust operations. In addition, the role of the National Member should be acknowledged in the Latvian criminal procedural law.
4. Grant the National Member direct access to relevant national databases including the recently established KSL database. This may prove useful when, for example, the National Member participates in coordination meetings without any national authorities present. As a first step it could be established which databases are the most important and commonly used in the performance of his duties.
5. Promote the use of Eurojust and EJM with a view to ensuring that practitioners are aware of the benefits offered by both bodies, their specific functions and the national contact points. This information together with links to EJM and Eurojust websites should be included on the intranet of all relevant authorities including the Courts.
6. Introduce systematic training to all practitioners (judges, prosecutors, police and other authorities with investigative powers) on international judicial cooperation with a goal to educate and raise awareness on the tools available. Existing good working practice should be documented and developed into handbooks and guidelines which also incorporate information on Eurojust and EJM. Use of these handbooks and guidelines will ensure that expertise in this area is maintained and further developed.

7. Monitor the functioning of the ENCS and the fulfilment of all its tasks by the relevant competent authorities. An effective ENCS may bring certain added value by improving understanding and awareness of the respective roles of Eurojust and the EJM and facilitating the transmission of information in compliance with Article 13 of the Eurojust Decision.
8. Inform practitioners about the possibilities of using JIJs and the financial and logistical support offered to JIJs by Eurojust.

10.2 Recommendations to the European Union, its institutions and agencies

1. To secure and increase the provision of JIJ funding to JIJs through Eurojust and establish simplified procedures for JIJ agreements.
2. To continue promoting the use of the OCC service among practitioners and also promote its positive impact on the operational work.
3. To make sure national practitioners can receive appropriate and regular training and provide the relevant authorities with appropriate financial support.

10.3 Recommendations to Eurojust

1. To continue to promote the use of coordination centres for action days.
2. To collect guidelines and best practices of Member States relating to the respective use of Eurojust and the EJM and, on this basis, provide common guidelines to all Member States on when to refer a case to Eurojust or the EJM.
3. To continue organising, on a regular basis, dedicated marketing and information activities for practitioners on cooperation with Eurojust and the EJM.

4. To take any appropriate measure to raise practitioners' awareness of the usefulness of the EJN and of its tools.
5. To provide support to the exchange of experience and best practices of the ENCS in all Member States, e.g., by regularly updating the Fiches Suédoises and by organising regular meetings of ENCS representatives from all Member States.
6. To provide practitioners with a clear list of operational and strategic services it can offer to national judicial authorities on the basis of Article 13a, as a result of the exchange of information based on Article 13.
7. To collect and disseminate to all Member States any guidelines issued at national level by the Member States on the practical use of Article 13 of the Eurojust Decision.
8. To promote the application of Art. 13 (6). Eurojust should consider providing Member States with feedback about the outcome and added value of this obligation for the Member States.
9. To ensure continuous and efficient support to the National Desks in uploading data in the CMS.

10.4 Recommendations to other Member States

1. One of the issues raised by Latvia in discussions about their experience of coordination meetings was that on occasion MS fail to participate. Member States are encouraged to take advantage of these meetings and ensure attendance wherever possible.
2. When sending MLA requests to Latvia, Member States are reminded that Latvia will only accept request in Latvian and English. Member States are recommended to send requests in English (if possible with translation in Latvian) if they are unable to translate into an acceptable standard of Latvian.

3. Member States should take note of the quality control and proportionality checks on MLA and EAW requests which takes place in Latvia. This practice ensures that all requests are consistent, clear and of a high standard.
4. Member States with more than one designated central authority, should take note of the introduction of a shared database (KSL) for the recording and monitoring of all MLA requests by the central authorities.
5. Member States should take note of the Latvia's inclusion of representatives of all Ministries/bodies dealing with cross-border judicial cooperation in the newly established ENCS.
6. Member States should take note of the mandatory reporting structure in place for the National Member who must provide a detailed report on all activities of the National Desk to the Prosecutor General twice a year.
7. Member States should take note of the active role of the Latvian National Member in the establishment of JITs which could be seen as a example of good practice. Member States could consider adopting a similar practice.

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ANNEX A: PROGRAMME FOR THE ON-SITE VISIT AND PERSONS INTERVIEWED/MET

EVALUATION VISIT PROGRAMME

4-7 November, 2013, Latvia

Monday, 4 November

Arrival of delegation

Tuesday, 5 November

10.00 – 10.15 Reception of delegation at the Ministry of Justice

10.15 – 10.30 Coffee break

10.30 – 11.15 Meeting with representatives of the Ministry of Justice

11.45 – 12.30 Meeting with prosecutors of the Prosecutor General's Office

12.30 - 14.00 Lunch break

14.00 - 15.30 Meeting with prosecutors of the Prosecutor General's Office (continued)

15.30 – 15.45 Coffee break

15.45 – 17.00 Meeting with prosecutors of the Prosecutor General's Office (continued)

Wednesday, 6 November

9.30 – 10.15 Meeting with representatives of the Ministry of Interior and of the International Cooperation Bureau of the Central Criminal Police Department of the State Police

10.30 – 10.45 Coffee break

10.45 – 11.30 Meeting with representatives of the Economic Crime Enforcement Bureau of the Central Criminal Police Department of the State Police

11.30 – 12.15 Meeting with representatives of the Organized Crime Enforcement Bureau of the Central Criminal Police Department of the State Police

12.15 – 14.15 Lunch break

14.30 – 15.15 Meeting with representatives of the Customs Criminal Board of the State Revenue Service

15.45 – 16.45 Meeting with representatives of the Corruption Prevention and Combating Bureau

19.00 Dinner

Thursday, 7 November

9.00 – 10.00 Final meeting with representatives of all relevant institutions at the Ministry of Justice

10.10 – 10.15 Coffee break

10.15 – 12.00 Final meeting with representatives of all relevant institutions at the Ministry of Justice (continued)

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ANNEX B: PROGRAMME FOR THE ON-SITE VISIT AND PERSONS INTERVIEWED/MET

- 1) **Representatives of the Ministry of Justice:**
 - a) Deputy State Secretary of Judiciary Mrs Irēna Kucina;
 - b) Director of the Department of Judicial Cooperation Mrs Vita Rūsiņa;
 - c) Legal adviser of the Division of Courts Cooperation of the Department of Judicial Cooperation Ms Maija Glazjeva;
 - d) Legal adviser of the Division of Courts Cooperation of the Department of Judicial Cooperation Mrs Vineta Lecinska-Krutko.

- 2) **Prosecutors of the Prosecutor General's Office:**
 - a) Eurojust National Member for Latvia, prosecutor Mr Gunārs Bundzis;
 - b) Acting Head of the of International Judicial Co-operation Unit of the Department of Analysis and Management Mr Aivars Zaķis;
 - c) prosecutor of the International Judicial Co-operation Unit of the Department of Analysis and Management Ms Agrita Valce;
 - d) prosecutor of the International Judicial Co-operation Unit of the Department of Analysis and Management Mr Māris Strads;
 - e) prosecutor of the International Judicial Co-operation Unit of the Department of Analysis and Management Mr Mārcis Viļums;
 - f) prosecutor of the International Judicial Co-operation Unit of the Department of Analysis and Management Mrs Ieva Paeglīte;
 - g) prosecutor of the International Judicial Co-operation Unit of the Department of Analysis and Management Mr Ainars Meisters.

- 3) In the meeting at the Prosecutor General's office took part an **investigation judge** Ms Karīna Kraveca from the Riga City Centra District Court.

- 4) **Representative of the Ministry of Interior** – Head of the Division of International Law of the Legal Department Mr Vilnis Vītolīņš.

- 5) **Representatives of the International Cooperation Bureau of the Central Criminal Police Department of the State Police:**
 - a) Director the International Cooperation Bureau of the Central Criminal Police Department of the State Police Mr Edgars Strautmanis;
 - b) Head of the Legal Assistance request unit International Cooperation Bureau Central Criminal Police Department of the State Police Ms Olga Brinkmane;
 - c) Senior Inspector/Investigator of the Legal Assistance Request Unit of the International Cooperation Bureau of the Central Criminal Police Department of the State Police Ms Vera Pavinska.

- 6) **Representatives of the Economic Crime Enforcement Bureau of the Central Criminal Police Department of the State Police:**
- a) Vice Director of the Economic Crime Enforcement Bureau of the Central Criminal Police Department of the State Police Mr Māris Kaļinka;
 - b) Inspector of the Economic Crime Enforcement Bureau of the Central Criminal Police Department of the State Police Mr Raitis Kalnačs.
- 7) **Representatives of the Organized Crime Enforcement Bureau of the Central Criminal Police Department of the State Police:**
- a) Director of the Organized Crime Enforcement Bureau of the Central Criminal Police Department of the State Police Mr Gatis Gudermanis;
 - b) Inspector of the Organized Crime Enforcement Bureau of the Central Criminal Police Department of the State Police Mr Ēriks Cērpe.
- 8) **Representatives of the Customs Criminal Board of the State Revenue Service:**
- a) Vice Director of the Customs Criminal Board of the State Revenue Service/Head of Investigation Unit Mr Mārtiņš Kalniņš;
 - b) Vice Head of Investigation Unit of the Customs Criminal Board of the State Revenue Service Ms Skaidrīte Ļipatova.
- 9) **Representatives of the Financial Police Board of the State Revenue Service:**
- a) Vice Director of the Financial Police Board of the State Revenue Service Ms Kristīne Prusaka;
 - b) Director of the Financial Police Board of the State Revenue Service Mr Kaspars Podiņš
- 10) **Representatives of the Corruption Prevention and Combating Bureau:**
- a) Deputy Director corruption combating matters of the Corruption Prevention and Combating Bureau - Ms Juta Striķe
 - b) Head of the Investigation Division of the Corruption Prevention and Combating Bureau Ms Lienīte Šikore;
 - c) Senior international relations officers of the International Relations Division of the Corruption Prevention and Combating Bureau Mrs Dace Dubova;
 - d) Deputy Head of the Investigation Division of the Corruption Prevention and Combating Bureau Ms Signe Bole.

RESTREINT UE/EU RESTRICTED**ANNEX C: PROGRAMME FOR THE ON-SITE VISIT AND PERSONS INTERVIEWED/MET**

LIST OF ACRONYMS, ABBREVIATIONS AND TERMS	ACRONYM IN LANGUAGE OF THE MEMBER STATE	LIST OF ACRONYMS, ABBREVIATIONS AND TERMS
ARO	-/-	Asset Recovery Offices
EAW	-/-	European Arrest Warrant
EJN	-/-	European Judicial Network
ENCS	-/-	Eurojust National Coordination System
EU	-/-	European Union
GENVAL	-/-	Working Party on General Matters including Evaluations
JIT	-/-	Joint investigation team
KSL	-/-	Centralised Computer System
MLA	-/-	Mutual Legal Assistance
MOJ	-/-	Ministry of Justice
OCC	-/-	On-call Coordination
OLAF	-/-	European Anti-fraud Office
SITs	-/-	Other special investigative techniques